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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,979

10/05/2005

Michael Gritzman

ZNA-PT015

3444

3624 7590 01/22/2009

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EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,979	<b>Applicant(s)</b> GRITZMAN ET AL.	
	<b>Examiner</b> ANDREY BELOUSOV	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to the original filing of 10/05/2005. Claims 1-36 are pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10, 13 and 18-25, 28, 31 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Southgate (5,487,143.)

**Claim 1, 19:** Southgate discloses the method for windowing and controlling system thereof comprising a computer device or system communicating with a display, wherein said method comprises the steps of:

- a. defining basic geometrical shape (quadrilateral) and graphical appearance for a least one window (Fig. 9: 204);
- b. providing at least one set of different sizes for said at least one window comprising at least one size arranged as a reference window size (Fig. 9: 204, 7:31-7:55);
- c. providing a relation to graphical appearance of content to be comprised and displayed in said at least one reference window size (7:31-7:55);

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- d. displaying windows on said display by arranging said controlling system to display said at least one window as an evolving series of instances of different sizes corresponding to said at least one set of different window sizes (Fig. 12A-12C, 13A-13C, 15A-15C, 16A-16B); and
- e. retaining said basic geometrical shape in all said displayed instances of said displayed windows (quadrilateral, Fig. 12A-12C, 13A-13C, 15A-15C, 16A-16B.)

**Claim 2, 20:** Southgate discloses the method according to claim 1, wherein said relation to said graph appearance of said content of said at least one reference window size comprises at least one parameter shaping said graphical appearance (width, 7:31-7:65.)

**Claim 3, 21:** Southgate discloses the method according to claim 1, wherein said at least one set of sizes of windows comprises three different sizes (7:31-7:55.)

**Claim 4, 22:** Southgate discloses the method according to claim 1, wherein said at least one set of sizes of windows comprises at least two different sizes (7:31-7:55.)

**Claim 5, 23:** Southgate discloses the method according to claim 1, wherein said displaying of said evolving instances of sizes of said displayed windows may be interrupted by user actions or system actions related to said displaying of one of said instances of said displayed windows, thereby causing said one instance of window to be resized and displayed in a larger defined size from said at least one set of sizes for that

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window (13:1-58; Fig. 13A: window A is interrupted from expanding beyond a certain limit by B and C.)

**Claim 6, 24:** Southgate discloses the method according to claim 1, wherein said displaying of said evolving instances of sizes of said windows may be interrupted by user actions or system actions related to said displaying of one of said instances of said windows, thereby causing said one instance of window to be resized and displayed in a smaller defined size from said at least one set of sizes for that window (13:1-58; Fig. 13A: window B or C are interrupted from shrinking beyond a certain min limit, thus leaving it at a smaller defined size.)

**Claim 7, 25:** Southgate discloses the method according to claim 1, wherein said controlling system comprises a parameter related to an importance of a window (13:13-19.)

**Claim 10, 28:** Southgate discloses the method according to claim 1, wherein said displaying of said series of evolving sizes of windows comprises displaying at least one graphical image representing a state of an application or a service running in said computer device or system, in said at least one window in all its said instances of sizes (Fig. 8.)

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**Claim 13, 31:** Southgate discloses the method according to claim 1, further comprising the steps of:

- a. arranging at least one window among said windows in said controlling system as corresponding to an application or service (Fig. 5-6; messaging of Compiler error/warnings/info window) running in said computer device or system;
- b. providing means (display of the Messages window, Fig. 5-6) for reading or mirroring a value (e.g. pixel height or width) for at least one parameter (window size) for said application or service in said arranged window for said application or service;
- c. providing means to display a content (warnings, errors, info, Fig. 5-6) comprised in said series of evolving said window sizes corresponding to said application or service, wherein said content may be changed (text is wrapped, Fig. 5-6) as a function of said value of said at least one parameter and current instance of window size comprised in said at least one series of displayed window sizes.

**Claim 18, 36:** Southgate discloses the method according to claim 1, wherein said step of displaying said evolving windows sizes on said display in communication with said computer device or system, comprises the step of starting said displaying by touching or stroking a surface of said display with an artefact or similar device or a finger (4:40-49.)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8-9 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate in view of Cook (5,727,950.)

**Claim 8, 26:** Southgate discloses the method according to claim 7. However, Southgate does not explicitly disclose wherein said importance parameter is a number between zero and one, meaning one to be the highest importance.

Cook discloses a priority scheme, wherein wherein said importance parameter is a number between zero and one, meaning one to be the highest importance (57:1-4.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the priority scheme of Cook with Southgate, as it would have been a mere design choice which range on the number line to choose so as to delineate an importance.

**Claim 9, 27:** Southgate discloses the method according to claim 8, wherein said importance parameter for said window is used to scale a size of said window proportional to a value of said importance factor (13:13-19.)

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6. Claim 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate in view of Ohkado (2001/0047626.)

**Claim 11, 29:** Southgate discloses the method according to claim 1. However, Southgate does not explicitly disclose wherein said displaying of said series of evolving sizes of windows further comprises the steps of:

- a. providing a parameter indicating a state of an application or a service running in said computer device or system;
- b. arranging at least one of said windows as a window representing said state of said application or service;
- c. modifying the displayed size or a location for displaying said one window on said display in communication with said computer device or system in accordance with a value of said parameter indicating said state of said application or service.

Ohkado discloses a similar window controlling method wherein said displaying of said series of evolving sizes of windows further comprises the steps of:

- a. providing a parameter (history size, par. 28; size of the chat window, par. 29) indicating a state of an application (extended, Fig. 2; par. 28-29; minimum, Fig. 3;) or a service running in said computer device or system;
- b. arranging at least one of said windows as a window representing said state of said application or service (Fig. 2-3);
- c. modifying the displayed size or a location for displaying said one window on said display in communication with said computer device or system in accordance



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with a value of said parameter indicating said state of said application or service  
(Fig. 7, par. 35-37.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Southgate and Ohkado. One would have been motivated to include the teaching of Ohkado in Southgate so as to enable a window to take the least amount of screen real estate.

7. Claim 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate in view of Andrew (5,371,844.)

**Claim 12, 30:** Southgate discloses the method according to claim 1. However, Southgate does not explicitly disclose, further comprising the steps of:

- a. arranging at least one window among said windows in said controlling system as corresponding to an application or service running in said computer device or system;
- b. providing means for defining a value for at least one parameter for said application or service in another of said windows;
- c. providing means to drag and drop at least said one window comprising said value of said at least one parameter on to said window corresponding with said application or service, thereby transferring said value to said parameter for said application or service.

Andrew discloses a method for adjusting elements of a GUI, including:

- a. arranging at least one window among said windows in said controlling system as corresponding to an application or service running in said computer device or system (Fig. 5a-5b);
- b. providing means (Fig. 5c) for defining a value (a particular color, brightness) for at least one parameter (e.g. color) for said application or service in another of said windows (color cell; 8:4-39);
- c. providing means to drag and drop at least said one window (color cell; 8:4-39) comprising said value (picked color) of said at least one parameter on to said window corresponding with said application or service, thereby transferring said value to said parameter for said application or service (8:4-39.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Southgate and Andrew. One would have been motivated to include the teaching of Andrew in Southgate so as to enable quick and easy modification of windows (Andrew, 2:62-68.)

8. Claim 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate.

**Claim 14, 32:** Southgate discloses the method according to claim 1. However, Southgate does not explicitly disclose wherein said step of defining said basic geometrical shape and graphical appearance for said at least one window is provided in

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a remote computer device or system, and then downloaded as needed via a network communicating with said controlling system of said windowing system.

The Examiner takes Official Notice that it is old and well known in computing arts to provide application by download via a network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the interface application of Southgate by download via a network (e.g. Internet) as to take advantage of e-commerce method of sale.

9. Claim 15-16 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate in view of Goldberg (2003/0200263.)

**Claim 15, 33:** Southgate discloses the method according to claim 1, further comprising the steps of:

- a. receiving input from an input device such as a keyboard, a mouse, a stylus or artefact, a soft keyboard or similar device in communication with said computer device or system either directly connected to said computer device or system, or via a network communicating with said computer device or system (Fig. 1-2, 4:40-4:67);
- b. transferring said input via said controlling system to a recently activated window activated by an application, user interaction or service or similar action in said computer device or system (1:20-31; Fig. 4:112);

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- c. displaying said input in said activated window or said new window (1:20-31; Fig. 4:112.)

However, Southgate does not explicitly disclose wherein,

- d. if said recently active window is not provided to receive input, provide another new window enabling receiving such input;

Goldberg discloses a method for window interfacing for user input, including,

- e. if said recently active window is not provided to receive input, provide another new window enabling receiving such input (par. 21);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a new window so as to enable receiving of input, such as disclosed by Goldberg, in the disclosure of Southgate. One would have been motivated to combine the teachings of Goldberg and Southgate, so as to enable proper input reception in an application having plurality of window types, such as coding (text input) and graphics (schematic) as shown in Southgate.

**Claim 16, 34:** Southgate and Goldberg disclose the method according to claim 15.

Southgate further discloses wherein said receiving of input in said activated window or said new window comprises activating a parsing (e.g. compiling) of received text in said activated or said new window (Fig. 4: 118.)

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10. Claim 15 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southgate in view of Goldberg (2003/0200263) and in further view of Harding (5,574,908.)

**Claim 17, 35:** Southgate and Goldberg disclose the method according to claim 16.

However Southgate and Goldberg do not explicitly disclose wherein said activating of said parsing is provided by dragging and dropping said window receiving said input on to another window comprising said parsing.

Harding discloses a method and apparatus for using a dragging and dropping operation so as to activate a parsing function (9:48-56.) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a dragging and dropping operation as disclosed by Harding in the combination of Southgate and Goldberg so as utilize a commonly provided and expected means of GUI element interaction.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Cohn – 5,712,995

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/  
Supervisory Patent Examiner, Art  
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AB  
January 19, 2009